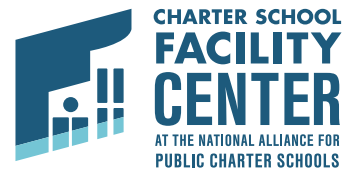


STATE POLICY SNAPSHOT:

FACILITIES FUNDING FOR PUBLIC CHARTER SCHOOLS

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CHARTER SCHOOL FACILITY CENTER



KEY FINDINGS

Public charter school leaders have shown an immense amount of grit in overcoming a host of challenges to grow at a pace unexpected by even their most stalwart supporters. In the 2017-18 school year, approximately 3.2 million children attended a charter school—a growth of 39 percent over the past five years. However, this dramatic expansion has not kept pace with demand from families, as reflected by the fact that two recent surveys indicate that there are an estimated 3.3 to 5.3 million additional students that would attend a charter school today if they had the option.

One of the biggest challenges to the continued expansion of charter schools is the fact that many charter school laws place the ultimate burden of obtaining and paying for facilities on charter schools themselves. As a result, charter school leaders struggle to find suitable and affordable facilities to house their growing numbers of students.

States play an important role in determining the options available to help fund charter school facilities. Increasingly, states are enacting and updating state policies to help offset the cost of leasing, purchasing, and maintaining charter school facilities.

This document provides a snapshot of the 31 jurisdictions that have enacted at least one of the following charter school facilities funding policies:

- ▶ Providing a per-pupil facilities allowance to charter schools **(18 states)**
- ▶ Creating a charter school facility grant program **(15 states)**
- ▶ Ensuring that charter schools have equal access to all existing state facilities programs and revenues for district-run public schools in a state **(11 states)**
- ▶ Providing a charter school facility loan program **(14 states)**
- ▶ Providing charter schools with access to local property tax dollars generated for facilities **(4 states)**

Out of the 31 states that support charter school facilities, 21 have more than one provision in place to help charter schools. **State-by-state details about state laws can be found in the Appendix.**

The Charter School Facility Center issues a separate report, School District Facilities and Public Charter Schools, that addresses access to charter school facilities.

TABLES

TABLE 1: 21 STATES HAVE MORE THAN ONE PROVISION IN PLACE TO HELP CHARTER SCHOOLS ACCESS FACILITIES

FACILITIES POLICIES IN PLACE	NUMBER OF STATES
0	14
1	10
2	14
3	5
4	2
TOTAL	45

**TABLE 2: PER-PUPIL FACILITIES ALLOWANCE
EIGHTEEN JURISDICTIONS PROVIDE A PER-PUPIL FACILITIES ALLOWANCE TO CHARTER SCHOOLS**

MORE THAN \$1,000 PUPIL	\$351 - 999 PER PUPIL	LESS THAN \$350 PER PUPIL
Arizona	Arkansas	Colorado
California	Florida	Idaho
District of Columbia	Indiana	Ohio
Georgia	Massachusetts	Pennsylvania
Minnesota	New Mexico	Tennessee
New York		Texas
		Utah

TABLE 3: CHARTER SCHOOL GRANTS
 FIFTEEN JURISDICTIONS HAVE CREATED A CHARTER SCHOOL FACILITY GRANT PROGRAM, OF WHICH EIGHT ARE FUNDED.

STATE	FUNDED?
1 Arizona	No
2 Arkansas	Yes
3 California	Yes
4 Connecticut	Yes
5 Delaware	No
6 District of Columbia	Yes
7 Georgia	Yes
8 Indiana	No
9 New Hampshire	No
10 New Mexico	No
11 New York	Yes
12 Oklahoma	No
13 Pennsylvania	No
14 Tennessee	Yes

TABLE 4: EXISTING STATE GRANTS AND REVENUES FOR DISTRICT-RUN PUBLIC SCHOOLS:
 ELEVEN STATES ENSURE THAT CHARTER SCHOOLS HAVE ACCESS TO EXISTING STATE FACILITIES PROGRAMS AND REVENUES FOR DISTRICT-RUN PUBLIC SCHOOLS:

1 Alabama	7 New Mexico
2 Alaska	8 Oklahoma
3 Colorado	9 Rhode Island
4 Delaware	10 Washington
5 Minnesota	11 Wyoming
6 New Hampshire	

TABLE 5: LOANS
 FOURTEEN JURISDICTIONS HAVE CREATED A CHARTER SCHOOL FACILITY LOAN PROGRAM, AND NINE ARE FUNDED

STATE	FUNDED?
1 Arkansas	No
2 California	Yes
3 Colorado	Yes
4 Connecticut	Yes
5 District of Columbia	Yes
6 Illinois	No
7 Indiana	Yes
8 Louisiana	No
9 Nevada	Yes
10 Ohio	No
11 Rhode Island	No
12 South Carolina	Yes
13 Tennessee	Yes
14 Utah	Yes

TABLE 6: LOCAL PROPERTY TAXES
 FIVE STATES PROVIDE CHARTER SCHOOLS WITH ACCESS TO LOCAL PROPERTY TAX DOLLARS GENERATED FOR FACILITIES

STATE
1 Alaska
2 Colorado
3 Florida
4 New Mexico
5 Ohio

TABLE 7: LANDSCAPE OF FACILITY POLICIES BY STATE

STATE	PER-PUPIL FACILITIES ALLOWANCES	FACILITY GRANT PROGRAM	ACCESS EXISTING GRANTS FOR DISTRICT SCHOOLS	FACILITY LOAN PROGRAM	LOCAL PROPERTY TAX DOLLARS	TOTAL
Alabama	-	-	✓	-	-	1
Alaska	-	-	✓	-	✓	2
Arizona	✓ FUNDED > \$1000	X UNFUNDED	-	-	-	2
Arkansas	✓ FUNDED \$351-999	✓ FUNDED	-	X UNFUNDED	-	3
California	✓ FUNDED > \$1000	✓ FUNDED	-	✓ FUNDED	-	3
Colorado	✓ FUNDED < \$350	-	✓	✓ FUNDED	✓	4
Connecticut	-	✓ FUNDED	-	✓ FUNDED	-	2
District of Columbia	✓ FUNDED > \$1000	✓ FUNDED	-	✓ FUNDED	-	3
Delaware	-	X UNFUNDED	✓	-	-	2
Florida	✓ FUNDED \$351-999	-	-	-	✓	2
Georgia	✓ FUNDED > \$1000	✓ FUNDED	-	-	-	2
Hawaii	-	-	-	-	-	0
Idaho	✓ FUNDED < \$350	-	-	-	-	1
Illinois	-	-	-	X UNFUNDED	-	1
Indiana	✓ FUNDED \$351-999	X UNFUNDED	-	✓ FUNDED	-	3
Iowa	-	-	-	-	-	0
Kansas	-	-	-	-	-	0
Kentucky	-	-	-	-	-	0
Louisiana	-	-	-	X UNFUNDED	-	1
Maine	-	-	-	-	-	0
Maryland	-	-	-	-	-	0
Massachusetts	✓ FUNDED \$351-999	-	-	-	-	1
Michigan	-	-	-	-	-	0

TABLE 7: LANDSCAPE OF FACILITY POLICIES BY STATE

STATE	PER-PUPIL FACILITIES ALLOWANCES	FACILITY GRANT PROGRAM	ACCESS EXISTING GRANTS FOR DISTRICT SCHOOLS	FACILITY LOAN PROGRAM	LOCAL PROPERTY TAX DOLLARS	TOTAL
Minnesota	✓ FUNDED > \$1000	-	✓	-	-	2
Mississippi	-	-	-	-	-	0
Missouri	-	-	-	-	-	0
Nevada	-	-	-	✓ FUNDED	-	1
New Hampshire	-	X UNFUNDED	✓	-	-	2
New Jersey	-	-	-	-	-	0
New Mexico	✓ FUNDED \$351-999	X UNFUNDED	✓	-	✓	4
New York	✓ FUNDED > \$1000	✓ FUNDED	-	-	-	2
North Carolina	-	-	-	-	-	0
Ohio	✓ FUNDED < \$350	✓ FUNDED	-	X UNFUNDED	-	3
Oklahoma	-	X UNFUNDED	✓	-	-	2
Oregon	-	-	-	-	-	0
Pennsylvania	✓ FUNDED < \$350	X UNFUNDED	-	-	-	2
Rhode Island	-	-	✓	X UNFUNDED	-	2
South Carolina	-	-	-	✓ FUNDED	-	1
Tennessee	✓ FUNDED < \$350	✓ FUNDED	-	✓ FUNDED	-	3
Texas	✓ FUNDED < \$350	-	-	-	-	1
Utah	✓ FUNDED < \$350	-	-	✓ FUNDED	-	2
Virginia	-	-	-	-	-	0
Washington	-	-	✓	-	-	1
Wisconsin	-	-	-	-	-	0
Wyoming	-	-	✓	-	-	1
TOTAL	18	15	11	14	5	

APPENDIX

STATE-BY-STATE CHARTER SCHOOL FACILITIES FUNDING LAWS

STATE	PROVISIONS
Alabama	<p>Alabama law provides that public charter schools shall have the same rights and access to Public School and College Authority (PSCA) funding opportunities as non-charter public schools. It provides that the PSCA and the department shall adopt and maintain a policy to ensure that public charter schools receive access to equitable facilities funding.</p> <p><i>Citation: Alabama Code Title 16, Education § 16-6F-11</i></p>
Alaska	<p>Alaska law requires school districts to direct state aid under the state’s grant program for the construction, rehabilitation, and improvement of schools and education-related facilities to the charter public school that generated the state aid, subject to the same terms and conditions that apply to state aid under this program for construction and major maintenance of a school facility that is not a charter school.</p> <p>Alaska law requires local school boards to provide charter schools with access to local property tax dollars generated for facilities.</p> <p><i>Citation: Alaska Stat. § 14.03.260</i></p>
Arizona	<p>Arizona law provides charter public schools with a per-pupil allocation called “additional assistance” that may be used for facility construction as well as other operational needs. Statute provides that this amount is \$1,807.00 per K–8 pupil and \$2,106.03 per high school pupil for fiscal year 2019.</p> <p><i>Citation: Ariz. Rev. Stat. § 15-185</i></p> <p>Arizona law creates a charter schools stimulus fund for the purpose of providing financial support to charter school applicants and charter schools for startup costs and costs associated with renovating or remodeling existing buildings and structures. The fund allows schools to receive up to two grants for up to \$100,000 for each grant. The state is not currently funding this program.</p> <p><i>Citation: Ariz. Rev. Stat. § 15-188</i></p>
Arkansas	<p>Arkansas law creates the open enrollment public charter school facilities funding aid program. The state appropriated \$6.5 million to this program in 2018-19, which translated to about \$475 per pupil.</p> <p><i>Citation: Ark. Code Ann. § 6-23-908</i></p> <p>Arkansas law creates an open enrollment public charter school capital grant program. The state has provided \$6.5 million to this program to date.</p> <p><i>Citation: Ark. Code Ann. § 6-23-801 to § 6-23-804</i></p> <p>Arkansas law creates an open enrollment public charter school facilities loan fund. However, the state has not provided funding to this program.</p> <p><i>Citation: Ark. Code Ann. § 6-23-901 to § 6-23-907</i></p>

California

California law created the Charter School Facility Grant Program (through SB 740) that provides up to \$1,117 per pupil in lease reimbursement for charter schools where 55 percent of students qualify for free and reduced price lunch either at the charter school or its local elementary school attendance area; payments may not exceed 75 percent of total annual facilities rent costs.

Citation: Cal. Educ. Code 47614.5

Under California law, the Charter School Facilities Program authorizes the State Allocation Board to provide per-pupil facilities grant funding for 50 percent of the total project cost for new construction or renovation of charter facilities. This program is subject to available statewide school bonds passed to support charter school facilities. Proposition 47, Proposition 55, and Proposition 1D have placed more than \$800 million in a fund for charter school facility development. In addition, in November 2016, California voters passed Proposition 51, a statewide school bond that provided \$500 million specifically for charter schools under the same program used for Proposition 1D.

Citation: Cal. Educ. Code 17078.52 to 17078.66

Under California law, the Charter School Revolving Loan Program provides below-market loans of up to \$250,000 for new-start charter schools, allowing up to five years for repayment. A school may use these loans for any startup costs, including facilities.

Citation: Cal. Educ. Code 41365

Colorado

Colorado law provides a per-pupil charter facilities funding program. The state will provide \$300 per student in 2018-19.

Citation: Colo. Rev. Stat. § 22-54.5-309

Colorado law allows charter schools to apply for competitive grants from the state's public school facility financing program. Colorado law creates the Charter School Matching Moneys Loan Program, which is set up to provide a state loan for qualified schools (i.e., investment-grade schools) to meet any required matches under the state's public school facility financing program.

Citation: Colorado Rev. Stat. § 22-43.7

Colorado law requires a school district that authorizes a charter school to include the charter school in the planning process and planning committee to seek voter approval for additional local revenues to meet operating expenses. In addition, if the school district is considering submitting, or is required by a petition to submit, a ballot question for additional local revenues, it must include the charter school in the discussions. A charter school may also ask its authorizing school district to include the charter school in a ballot question for the school district to authorize additional local revenues or to submit a ballot question solely for the charter school.

Citation: Colo. Rev. Stat. § 22-30.5-404 and § 22-30.5-405

The law requires school districts to include at least one charter school representative on any long-term mill levy planning committees; invite each charter school to participate in ballot submission discussions; and, if the district does not include a charter school's needs in a ballot submission, provide a written justification as to why these needs were not included. The law requires the creation of an annual report by the Colorado Department of Education that compiles the amount of mill levy revenue in each school district and the amount of the mill levy shared with charter schools in each school district.

Citation: Colo. Rev. Stat. § 20-30.5-118 and § 20-30.5-119

Connecticut

Connecticut law requires the state commissioner of education to establish, within available bond authorizations, a grant program to assist state charter schools in financing school building projects, general improvements to school buildings, and repayment of debt incurred for school building projects. The law also provides that the state bond commission shall have the power, from time to time, to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate \$20 million. Currently, there is approximately \$6.9 million available to schools through this program.

Citation: Conn. Gen. Stat. § 10-66hh and Conn. Gen. Stat. § 10-66jj

Connecticut law allows a charter school to apply for low-interest loans from the Connecticut Health and Educational Facilities Authority.

Citation: Conn. Gen. Stat. § 10a-176 et. al.

Delaware

Delaware law requires the state department of education to administer a performance fund for charter public schools, to be known as the Charter School Performance Fund. It requires the department to establish threshold eligibility requirements for applicants desiring to apply for funding, which shall include but not be limited to a proven track record of success, as measured by a performance framework established by the charter school's authorizer or comparable measures as defined by the department. The law also requires the department to establish criteria to evaluate applications for funding, which shall include but not be limited to the availability of supplemental funding from nonstate sources at a ratio to be determined by the department. The law requires the department to prioritize applications from those applicants that have developed high-quality plans for startup or expansion or that serve high-need students, as defined by the department. The law provides that the fund shall be subject to appropriation and shall not exceed \$5 million annually. The state is currently not funding this program.

Citation: Del. Code Ann. tit. 14, § 509

Delaware law provides for minor capital improvement grants for charter schools to be funded in the same manner as for the state's vocational technical school districts.

Citation: Del. Code Ann tit. 14, § 509

Washington, D.C.

The law provides a per-pupil facilities aid program. In Fiscal Year 2019, the city is providing \$3,263 per student for this program.

Citation: District of Columbia Official D.C. Code § 38-2908

With federal funding, Washington, D.C., created the Investing in Public Facilities Grant Program, which provides grants for improving the quality of district-owned educational facilities occupied by charter schools. Grant funds may be used for new construction, renovations, system upgrades, predevelopment soft costs, and the addition of non-classroom space, such as resource rooms, labs, and athletic rooms. This program is currently funded.

Citation: Scholarships for Opportunity and Results Act

The District of Columbia's Direct Loan Fund for Public Charter School Improvement was established in 2003 to provide flexible loan capital for the construction, purchase, renovation, and maintenance of charter school facilities. Loans are capped at \$2 million per school, with interest rates and terms varying by project. These loans are frequently used in conjunction with debt in larger projects and may function as gap financing in transactions where little equity is available. To date, the fund has disbursed close to \$37 million in direct loans to 27 charter schools, leveraging \$220 million in additional financing. As of October 2018, the available Direct Loan Fund balance was \$24 million.

Citation: D.C. Code § 38-1833.02

Florida

Florida law provides a per-pupil charter facilities funding program for eligible charter schools. It specifies that a school is eligible if it has been in operation at least two years, is part of an expanded feeder pattern chain, or is accredited. It provides that eligible schools receive per-pupil dollars based on a formula. In 2018, the legislature appropriated \$145 million for this fund, which translates to about \$495 per pupil.

Beginning in fiscal year 2019-2020, charter school capital outlay funding shall consist of state funds when such funds are appropriated in the General Appropriations act and district discretionary mill levies if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year.

Citation: Florida Stat. § 1013.62 and Florida Stat. § 1011.71

Georgia

Georgia law provides state-approved charter schools with an amount equal to the statewide average total capital revenue per full-time equivalent, as determined by the state department of education. Statute notes that such funding is subject to appropriations by the Georgia General Assembly but that such schools shall be treated consistently with all other public schools in the state, pursuant to the respective statutory funding formulas and grants. Currently, the state is providing approximately \$1,100 per pupil for this item. In addition, there is a capital fund add-on for such schools in “high-rent” districts. The additional capital allotment ranges from \$79.80 per pupil to \$783.82 per pupil and averages out to be an additional \$455.95 per pupil above and beyond the \$1,100 allotment.

Citation: Ga. Code Ann. § 20-2-2089

Georgia law provides a needs-based capital-funding program that is distributed through a competitive grant process. The state appropriated roughly \$1.4 million to the program for the 2018-19 school year.

Citation: Ga. Code Ann. § 20-2-2068.2

Georgia law provides that, subject to appropriations by the Georgia General Assembly, the state board of education shall establish a grant program for qualified charter public school contributions. The grant program shall provide \$1 in matching funds—up to a maximum amount authorized by the state board for a single charter school project—for each dollar donated to a qualified charter school organization for such project, provided that the total amount to a qualified charter school organization for a single charter school project shall not exceed 75 percent of the average per-student state portion of capital outlay funding provided multiplied by the number of students that the charter school project was designed to serve. In 2018, the legislature, through its budget, directed the state department of education to use available budgeted funds of approximately \$1.2 million as an initial allocation.

Citation: Ga. Code Ann. § 20-2-2095.2

Idaho

Idaho law requires the state department of education to distribute facilities funds to charter public schools for each enrolled student who receives a majority of instruction at a facility that is owned or leased by the charter school. It provides that such funds shall be used to defray the purchase, fee, loan, or lease costs associated with payments for real property used by the students or employees of the charter school for educational or administrative purposes.

The law provides that such funds shall be distributed from the moneys appropriated to the educational support program and shall be calculated as a percentage of the statewide average amount of bond and plant facility funds levied per student by Idaho school districts, as follows:

- Fiscal year 2014: 20 percent
- Fiscal year 2015: 30 percent

Idaho

(cont.)

- For fiscal year 2016 and every fiscal year thereafter, this percentage shall increase by 10 percent each time the total appropriation of state funds for the educational support program increases by 3 percent or more above the prior fiscal year and shall decrease by 10 percent each time the total appropriation of state funds for the educational support program decreases as compared with the prior fiscal year, provided that the percentage shall be no less than 20 percent and no greater than 50 percent and that the average amount of funding received per charter school shall not exceed the average amount of funding received by each school district.

For those charter schools that do not receive facilities funds for all enrolled students, the law allows the school to submit to the state department of education a reimbursement claim for any costs for which facilities funds may be used.

The law requires the state department of education to reduce such claims by the greater of either 50 percent or the percentage of the school's enrolled students for which the school receives facilities funds and to pay the balance, provided that the total reimbursements paid to a charter school, in combination with any facilities stipend received by the school, shall not exceed the amount of facilities funds that would have been received by the school had it received facilities funds for all enrolled students.

This approach translated to approximately \$395 per pupil in 2017-18.

Citation: Idaho Code Ann. § 33-5208

Illinois

Illinois law establishes the Charter Schools Revolving Loan Fund to provide interest-free loans to charter schools to be used to pay startup costs of acquiring educational materials and supplies, textbooks, furniture, and other equipment needed in the initial term of the charter school and for acquiring and remodeling a suitable physical plant within the initial term of the charter school. The state recently appropriated \$200,000 to this program.

Citation: 105 Ill. Comp. Stat. 5/27A-11.5

Indiana

Indiana law creates a \$500 per-pupil facilities allotment for charter public schools that must be used primarily for facilities and transportation purposes, provided the schools meet performance expectations. The state provided \$15 million to this program in 2017.

Citation: Ind. Code § 20-24-13

Indiana law establishes a charter school facilities assistance program to make grants and loans to charter public schools for the purpose of constructing, purchasing, and renovating charter school facilities. The state is not currently funding this program.

Citation: Ind. Code § 20-24-12

Indiana law establishes a charter school loan program that allows charter schools to borrow up to \$5 million each at 1 percent interest for facilities and a wide range of educational needs. Qualification for the loan is based on the same performance criteria used to receive the facilities allotment.

Citation: Ind. Code § 20-49-9

Louisiana

Louisiana law creates the Louisiana Charter School Start-Up Fund, which provides zero-interest loans of up to \$100,000 for terms of up to three years for both new and existing charter public schools. It allows the loans to be used for facility acquisition, upgrade, and repairs. The state is not currently funding this program.

Citation: La. Rev. Stat. Ann. § 17:4001

Massachusetts

Massachusetts law requires the state department of education to provide, subject to appropriation, funding to charter public schools for a portion of the per-pupil capital needs component included in the charter school tuition amount. It requires the department to calculate a statewide per-pupil average expenditure from state and local sources for capital costs solely associated with payments—including interest and principal payments—for the construction, renovation, purchase, acquisition, or improvement of school buildings and land; multiply said amount by the number of students the district sends to charter schools; and reimburse these sending school districts for said costs. In making these calculations, the law requires the department to use data from the most recent year for which actual district expenditures have been reported by districts to the department. The per-pupil capital needs component is currently \$893.

Citation: Mass. Gen. Laws ch. 71, § 89 (ff)

Minnesota

Minnesota law provides that the amount of annual building lease aid for a charter public school shall not exceed the lesser of (1) 90 percent of the approved cost or (2) the product of the pupil units served for the current school year times \$1,314.

Citation: Minn. Stat. § 124E.22

Minnesota law provides that public charter schools will be getting long-term facilities maintenance revenue like all school districts, except that charters will have the freedom to use the revenue for any purpose of the school.

Citation: Minn. Stat. § 13B.595 (2) and (10)

Nevada

Nevada law provides charter schools with access to the State-sponsored Account for Charter Schools, a revolving loan fund. The Account for Charter Schools revolving loan fund was funded for the first time in 2013 with a one-time State appropriation of \$750,000. This funding must be used to make loans at or below market rate to charter schools for costs incurred in preparing a charter school to commence its first year of operations or to improve a charter school that has been in operation. The maximum loan amount is the lesser of \$500 per pupil or \$200,000. Repayment must be completed in three years.

Citation: Nev. Rev. Stat. § 388A.432 to § 388A.438

New Hampshire

New Hampshire law creates a grant program to be administered and determined by the state board of education, which shall have the authority to develop a grant application, written procedures, and criteria used to determine eligibility for grants as well as procedures for the administration of grants by recipients, including reporting requirements. The total grants provided under this program shall not exceed the amount of money appropriated in the budget, transferred, or provided by gift or grant to the state for this purpose. Charter schools that are eligible for grants under this program shall match funds provided by the state through private contributions in order to receive funding that exceeds the state’s average per-pupil cost for the grade level weight of the pupil. The state is not currently funding this program.

Citation: N.H. Rev. Stat. § 194-B:11

New Hampshire law provides that charter public schools are eligible to receive two types of grants through the School Building Aid Grant Program. The first type of grant allows charter conversion schools to receive funds to cover up to 30 percent of the costs related to construction. The second type of grant allows state-authorized charter schools to receive funds for up to 30 percent of the annual cost of leasing space.

Citation: N.H. Rev. Stat. Ann. § 198:15-b and § 198:15-hh

New Mexico

New Mexico law provides lease payments for charter public schools at \$736 per student.

Citation: N.M. Stat. § 22-24-4

New Mexico law creates the charter schools stimulus fund to financially support charter schools, whether startup or conversion, for initial startup costs and initial costs associated with renovating or remodeling existing buildings and structures. The state is not providing money to this fund.

Citation: N.M. Stat. § 22-8B-14

The law allows charter schools to access public capital outlay grants through the Public School Capital Outlay Council in somewhat similar ways to other public schools in the state.

Citation: N.M. Stat. § 22-8B-4.2

According to the law, a local tax levy resolution submitted to qualified electors shall include capital improvements funding for a locally chartered or state-chartered school located within the school district if the charter school provides, in a timely fashion, the necessary information to the school district for inclusion in the resolution that identifies the capital improvements of the charter school for which the revenue will be used. The amount of tax revenue to be distributed to each charter school that was included in the resolution shall be determined each year and shall be in the same proportion as the average full-time-equivalent enrollment of the charter school on the 40th day of the prior school year is to the total such enrollment in the school district, provided that no distribution shall be made to an approved charter school that has not commenced operations.

Citation: N.M. Stat. § 22-25-3 and § 22-25-7

New York

New York law requires that the New York City School District provide to charter schools that first commence instruction or that require additional space due to an expansion of grade level approved by their authorizer for the 2014–15 school year or thereafter and request co-location in a public school building one of two options:

- Offer, at no cost to the charter school, a co-location site in a public school building; or
- Offer the charter school space in a privately owned or other publicly owned facility at the expense of the school district and at no cost to the charter school. The space must be reasonable, appropriate, and comparable and in the community school district to be served by the charter school and otherwise in reasonable proximity.

The law gives the charter school the option of appealing the school district’s offer or failure to offer a co-location site through binding arbitration or through an expedited appeal to the state commissioner of education. If the appeal results in a determination in favor of the school district, the school district’s offer shall be final, and the charter school may either accept such offer or locate in another site at the charter school’s expense.

For a new charter school whose charter is granted or for an existing charter school whose expansion of grade level is approved by its authorizer, if the appeal results in a determination in favor of the charter school, the school district shall pay the charter school an amount attributable to the grade-level expansion or the formation of the new charter school that is equal to the lesser of—

- The actual rental cost of an alternative privately owned site selected by the charter school; or
- Twenty percent of the product of the charter school’s basic tuition for the current school year and, for a new charter school that first commences instruction on or after July 1, 2014, the charter school’s current year enrollment.

For a new charter school whose charter is granted or for an existing charter school whose expansion of grade level is approved by its authorizer, if the appeal results in a determination in favor of the charter school, the

<p>New York</p>	<p><i>(cont.)</i></p> <p>school district shall pay the charter school an amount attributable to the grade-level expansion or the formation of the new charter school that is equal to the maximum cost allowance established by the state commissioner of education for leases eligible pursuant to state law.</p> <p>This approach translates to approximately \$4,500 per pupil.</p> <p><i>Citation: N.Y. Educ. Law § 56-2853</i></p> <p>New York law provides a charter public schools stimulus fund, which provides discretionary financial support to charter schools for startup costs and for costs associated with the acquisition, renovation, and construction of school facilities. Currently, the state has appropriated up to approximately \$4.8 million to this fund.</p> <p><i>Citation: N.Y. Fin. Law § 97-sss</i></p>
<p>Ohio</p>	<p>Ohio law provides brick-and-mortar schools with \$200 per pupil for facilities funding in Fiscal Year 2019.</p> <p><i>Citation: 2017 Legislative Session, House Bill 49</i></p> <p>Ohio law creates a “Community School Classroom Facilities” grant program for high-performing charter schools. This grant has \$8 million remaining.</p> <p><i>Citation: 2017 Legislative Session, House Bill 49</i></p> <p>Ohio law contains a revolving loan fund that allows charter schools to apply to use funds for any services described in their charters. The law provides that the maximum cumulative loan amount is \$250,000 and that it must be repaid within five years. The state is not currently funding this program.</p> <p><i>Citation: Ohio Rev. Code Ann. § 3314.30</i></p>
<p>Oklahoma</p>	<p>Oklahoma law provides for the Charter School Incentive Fund, which provides a one-time grant of up to \$50,000 per school to cover costs associated with renovating or remodeling existing buildings and structures. The fund was established as a continuing fund that is not subject to fiscal year limitations and consists of all monies appropriated by the legislature and gifts, grants, and donations from any public or private source. The state is not currently funding this program.</p> <p><i>Citation: Okla. Stat. tit. 70, § 3-144</i></p> <p>Oklahoma law provides that charter public schools have access to the State Public Common School Building Equalization Fund. It provides that charter schools must use these funds to acquire buildings, that grants can be awarded only to charter schools that have secured matching funds for acquiring buildings in an amount of not less than 10 percent of the total grant amount, and that the amount of each grant cannot exceed \$4,000,000. From the total amount available to provide grants to public schools, the law requires that charter schools be allocated the greater of either 10 percent of the total amount or the percentage of students enrolled in charter schools that are not sponsored by the statewide virtual charter school board as compared with the student enrollment in school districts that have a total assessed property valuation per average daily membership that is equal to or less than 25 percent of the state total assessed property valuation per average daily membership. It also provides that the state board of education shall make available to eligible charter schools any unused grant funds that remain after the initial allocation to all eligible public school districts and charter schools. The state is</p>

Oklahoma

(cont.)

not currently funding this program.

Citation: Okla. Stat. tit. 70, § 3-104

Pennsylvania

Pennsylvania law provides that the state department of education must calculate an approved reimbursable rental charge for leases of buildings or portions of buildings that have been approved for charter public school use by the state secretary of education on or after July 1, 2001. It provides that this charge is the lesser of either the annual rent payable under the provision of the approved lease agreement or the product of the enrollment multiplied by \$160 for elementary schools, \$220 for secondary schools, or \$270 for area vocational-technical schools.

Citation: 24 Pa. Stat. Ann. § 25-2574.3

Pennsylvania law allows the state secretary of education to allocate grants for planning and startup funding to eligible applicants. The amount of a planning grant may vary depending on the size and scope of the planning needed by the applicant. A grant for startup funding may vary depending on the size and special characteristics of the charter school. A startup grant may be used to meet the expenses of the charter school. The state is not currently providing funding to this program.

Citation: 24 Pa. Stat. Ann. § 17-1731-A

Rhode Island

Rhode Island law provides that a school district may access aid for reimbursement of school housing costs for school district-sponsored charter schools and that charter schools not sponsored by a school district may apply for 30 percent reimbursement of school housing costs on a need basis.

Citation: R.I. Gen. Laws § 16-77.1-5

Rhode Island law provides that, in the event that federal startup funds either are unavailable or are fully expended, there shall be established a system of interest-free loans for startup costs for charter public schools to be provided from an appropriation of state funds designated by the legislature for this purpose. The loans shall not exceed \$150,000 for a single charter school, and this loan of state funds shall be repaid in equal monthly installments over no more than five years. The state funds shall be distributed to charter schools by the state department of elementary and secondary education through a process that requires each charter school seeking the funds to submit a loan application to the department of elementary and secondary education. The state is not currently funding this program.

Citation: R.I. Gen. Laws § 16-77.1-4

South Carolina

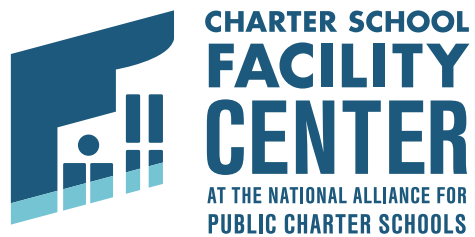
South Carolina law creates the Charter School Facility Revolving Loan Program. There is currently \$1.1 million appropriated to this program.

Citation: S.C. Code Ann. § 59-40-175

Tennessee

Tennessee law requires the state department of education to calculate the amount of state funding required under the basic education program (BEP) for capital outlay as a nonclassroom component to be received in a fiscal year by a district in which one or more charter public schools operate, to reserve from the sum for such a district the funds that constitute the amount due to charter schools operating in the district and not distribute such reserved amount to the district, and to distribute from the reserved amount directly to each charter school its total per-pupil share as determined by its average daily membership (ADM). The law provides that the per-pupil share of each charter school must be based on prior year ADM, except that the per-pupil share of any charter school upon opening is based on the anticipated enrollment in the charter agreement (the district adjusts payments if necessary throughout the first year of a charter school to accurately reflect the first year's enrollment).

Tennessee	<p><i>(cont.)</i></p> <p>The law further provides that a district must include in the local share of funds paid to a charter school the required district match for the state funds generated under the BEP for capital outlay as a nonclassroom component that are paid directly to a charter school as per-pupil facilities aid.</p> <p>The law requires the state department of education to determine the amount of the state BEP nonclassroom component for capital outlay to be distributed to a charter school authorized by the state board. The district in which the charter school is located shall pay to the department 100 percent of the required local match under the BEP for capital outlay as a nonclassroom component for distribution to the charter school.</p> <p>Currently, the allotment is between approximately \$215 and \$315 per pupil.</p> <p><i>Citation: Tenn. Code Ann. § 49-13-112</i></p> <p>Tennessee law creates a public charter school facilities program to award grants and loans for qualifying capital projects. \$18 million was initially appropriated for this fund over three years.</p> <p><i>Citation: Tenn. Code Ann. § 49-13-144</i></p>
Texas	<p>Texas law provides \$60 million in annual facilities funds to charter schools that have received at least an acceptable rating within the state’s accountability system. This amount translates to approximately \$208 per student.</p> <p><i>Citation: Tex. Stat. § 12.106</i></p>
Utah	<p>As part of the local revenue replacement program, Utah law provides an additional annual per-pupil appropriation for charter public schools to replace some of the local property tax revenue that traditionally covers maintenance and operation, capital projects, and debt service. The law requires that a minimum of 10 percent of these monies must be expended for facilities at brick-and-mortar schools. This facilities dedication is currently \$224 per pupil.</p> <p><i>Citation: Utah Code Ann. § 53A-1a-513</i></p> <p>Utah law provides a charter school revolving loan fund that provides loans to charter schools for the costs of constructing, renovating, and purchasing charter school facilities. There is approximately \$6 million in this fund.</p> <p><i>Citation: Utah Code Ann. § 53A-1a-522</i></p>
Washington	<p>Washington statute provides that charter schools are eligible for state funds for school construction.</p> <p><i>Citation: 28A.710.230 RCW</i></p>
Wyoming	<p>Wyoming law provides a charter school shall be entitled to the benefit of one hundred percent of the amount to be contributed to the school district under major maintenance payments pursuant to state law based upon the proportion that the charter school educational building gross square footage contributes to the district educational building gross square footage.</p> <p><i>Citation: Wyo. Stat. Ann. § 21-3-314</i></p>



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